

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

VIACOM INTERNATIONAL INC., COMEDY)
PARTNERS, COUNTRY MUSIC)
TELEVISION, INC., PARAMOUNT)
PICTURES CORPORATION, and BLACK)
ENTERTAINMENT TELEVISION LLC,)

Plaintiffs,)

vs.)

NO. 07-CV-2203

YOUTUBE, INC., YOUTUBE, LLC,)
and GOOGLE INC.,)

Defendants.)

THE FOOTBALL ASSOCIATION PREMIER)
LEAGUE LIMITED, BOURNE CO., et al.,)
on behalf of themselves and all)
others similarly situated,)

Plaintiffs,)

vs.)

NO. 07-CV-3582

YOUTUBE, INC., YOUTUBE, LLC, and)
GOOGLE, INC.,)

Defendants.)

30(b)(6) VIDEOTAPED DEPOSITION OF STORM DUNCAN
SAN FRANCISCO, CALIFORNIA
WEDNESDAY, JULY 16, 2008

BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CLR
CSR LICENSE NO. 9830
JOB NO. 15373

Figueira Decl. Tab

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1 sampled; correct?")

2 THE WITNESS: So the -- the premium/removed
3 category is 189 of the 424, and 189 of the 301. So
4 the percentage 63 percent is 63 percent of the net
5 total, so hopefully that answers your question, I
6 think.

7 MR. HOHENGARTEN: Q. It's 63 percent of the
8 net total which excludes the URLs that aren't valid?

9 A That's correct, which is, I think, the
10 definition of net total for purposes of this, which I
11 think you established as well, so sure.

12 Q And the "No" category is 37 percent of that
13 net total; correct?

14 A That's correct, yes.

15 Q So setting aside the URLs that aren't valid,
16 the remaining sample of videos, the net total, breaks
17 down into 63 percent that are premium removed and
18 37 percent that are no; correct?

19 A That's correct.

20 Q And the premium/removed category includes
21 content that is copyrighted in whole or substantial
22 part, plus removed, which are links that were taken
23 down; right?

24 A Yeah, that's how it's categorized here
25 from -- from the Google folks.

1 Q And the no category is categorized here by
2 the people from Google as no copyright but includes
3 commercials, trailers, public service, promos, and
4 true UGC; right?

5 A That's correct.

6 Q What is -- what is your understanding of the
7 phrase "true UGC"?

8 MR. VOLKMER: Objection to the form of the
9 question.

10 THE WITNESS: I think that the initials UGC
11 probably stand for user-generated content.

12 MR. HOHENGARTEN: Q. And true UGC?

13 A I'm not sure. I mean, true UGC is just
14 honest UGC. Honestly, you know, user generated. I
15 would assume it's implying the users had generated
16 that content through their cell phones, or through a
17 video camera, or something along those lines.

18 Q Okay. And that true UGC is encompassed in
19 the no category; right?

20 A That's correct.

21 Q Now, the no category also includes
22 commercials, trailers, public service announcements,
23 and promotions; right?

24 A That's correct.

25 Q And together the true UGC, plus those other